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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/075,136 | 11/19/2001 | Kenneth Largman | A-70543-1/RMA/LM/KRG | 8593 |

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FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187

| EXAMINER | |
|---|---|
| MANOSKEY, JOSEPH D | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2113 | |

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/075,136 | LARGMAN ET AL. | |
| | Examiner | Art Unit | |
| | Joseph D. Manoskey | 2113 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *10,16-18 and 21-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *50* is/are allowed.

6)☒ Claim(s) *10,16-18,21-28,30,34,36-41 and 49* is/are rejected.

7)☒ Claim(s) *29,31-33,35,and 42-48* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 July 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/11/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Objections*

1. Claim 23 is objected to because of the following informalities:

On the second line of claim 23 "an" should read "a" and "in" should read "is".

Appropriate correction is required.

**2.** Claim 41 is objected to because of the following informalities: Claim 41 is dependent of itself. It is the examiner's belief that claim 41 should be dependent from claim 40, and will be viewed as such for the purposes of further examination.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10, 16-18, 21-28, 30, 34, 36-41, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolff et al., U.S. Patent Application Publication 2002/0174137, hereinafter referred to as "Wolff".

5. Referring to claim 16, Wolff teaches repair of malicious alterations to a computer, this is interpreted as a computer that self-repairs to maintain an operational status at any time during operation (See paragraph 0002). Wolff discloses the system being a computer with a CPU and RAM, this is interpreted as a main computer hardware box, at least one CPU disposed within the main computer hardware box, and at least one random access memory disposed within the main computer hardware box and coupled to the at least one CPU (See Fig. 2 and 6, and paragraph 0025). Wolff teaches the system running an operating system and anti-virus system, this is interpreted as the at least one CPU and random access memory providing at least one user computer environment and a supporting computing environment substantially isolated from the user computing environment and operative to enhance the stability and functionality of the user computing environment by monitoring processes running or enabled within the user computing environment (See Fig. 1 and paragraph 0024). Wolff also teaches archive copies of active copies that stored on different physical storage devices, this is interpreted as first and second controllers for respective first and second data storage devices disposed within the main computer hardware box of the computer prior to a need for repair, the first data storage device storing programs and data for the user computing environment and the second data storage device being associated with the

supporting computing environment and containing at least one backup snap-shot (See Fig. 2 and paragraph 0014). Finally, Wolff teaches anti-virus system having alteration reversal logic, this is interpreted as means for controlling the self-repair of the computer cooperatively coupled with said at least one CPU, said at least one random access memory, and said first and second controllers (See paragraph 0010).

6. Referring to claim 10, Wolff teaches the replacement of the active copy with the archived copy can be done either automatically or could be subject to user confirmation, this is interpreted as wherein the self-repair is initiated by a signal indicating a need for repair that is either self-generated by the computer without human intervention by the monitoring the processes running or enabled within the user computing environment or generated by the computer in response to a single action by an external user, said single action selected from the set of actions consisting of pressing a key or combination of keys on a keyboard of the computer and pressing or changing the state of a physical switch different from an on-off switch of the computer and exposed on an exterior surface of the main computer hardware box of the computer (See paragraphs 0012 and 0016).

7. Referring to claim 17, Wolff teaches automatically repairing the computer using user defined rules to copy archive copies for the active copies, this is interpreted as wherein the repairing comprises automatically repairing the software on the first storage deice according to preset preferences without further direction from the user, the preset

preferences designating to repair the computer according to whether to recover data, to run a virus check, to reformat the first storage device, to revert to backup, or to run diagnostics (See paragraph 0016).

8. Referring to claim 18, Wolff discloses coping archive copies from one physical storage device to the another for the active copies, this is interpreted as wherein the repairing comprises reformatting the first storage device and then copying software onto the first storage device or resetting parameters in a persistent memory and then copying software onto the first storage device (See paragraph 0014).

9. Referring to claim 21, Wolff teaches having replacing active copies with archive copies as a countermeasure against malicious alterations such as virus infection, this interpreted as means for backing up programs and data on the computer and recovering the computer to a predetermined state in the event of a viral, hacker, or other malicious code contamination of the computer (See paragraph 0011 and 0016).

10. Referring to claim 22, Wolff teaches archiving active copies, this is interpreted as wherein the means for backing up includes means for obtaining at least on snap-shot of the data on the computer (See paragraph 0011).

11. Referring to claim 23, Wolff teaches automatically repairing files, this is interpreted as wherein the self-repairing of the computer to an specified operational

state is performed on-the-fly during normal operation without user intervention (See paragraph 0016).

12. Referring to claim 24, Wolff teaches comparing stored computer files with archive computer files, this is interpreted as wherein the computer in operation automatically executes a plurality of individual computing processes selected from the set of computing processes consisting of monitoring the user computing environment, tracking the user computing environment, predicting the stability of the user computing environment, backing-up the user computing environment, restoring the user computing environment, and recovering attributes within the user computing environment (See paragraphs 0009 and 0011).

13. Referring to claim 25, Wolff teaches archiving computer files for recovery, this is interpreted as wherein the attributes may be software specific, data specific, operating system specific, or any combination of the software, data, and operating system attributes (See paragraph 0011).

14. Referring to claim 26, Wolff discloses running multiple application programs in normal operation, this is interpreted as wherein the execution of the plurality of computing processes facilitates the normal operation of the user computing environment (See paragraph 0024).

15. Referring to claim 27, Wolff teaches repairing without any input from the user, this is interpreted as wherein the user computing environment is stabilized without user intervention that would perform a user shut-down, restart, log off, log on, or termination of applications executing on the computer (See Fig. 2 and paragraphs 0029-0036).

16. Referring to claim 28, Wolff teaches the anti-virus system interacting with the operating system, this is interpreted as wherein the supporting environment is operative to interact with the user computing environment (See Fig. 1 and paragraph 0024).

17. Referring to claim 30, Wolff teaches the computer having an operating system and a anti-virus system, this is interpreted as wherein the user computing environment and the supporting environment function in different computing systems physically residing in the main computer hardware box (See Fig. 1 and paragraph 0024).

18. Referring to claim 34, Wolff discloses taking archive copies for replacing active copies and for comparing the archive copies with the active copies, this is interpreted as wherein the computer further comprises means for obtaining a snap-shot of the user computing environment and means for subsequently using the snap-shot to restore, analyze, or enhance the stability of the user environment (See paragraph 0009 and 0012).

19. Referring to claim 36, Wolff teaches comparing stored computer files stored in the physical storage device, this is interpreted as wherein the monitoring includes monitoring of the utilization of the user computing environment data storage device and data contained on the user computing environment data storage device (See paragraphs 0011 and 0014).

20. Referring to claim 37, Wolff discloses comparing archive copies with active versions of computer files to see if malicious alterations have occurred, this interpreted as wherein the monitoring of the user computing environment by the supporting computing environment identifies undesired changes and potential problems with the user computing environment (See paragraph 0011).

21. Referring to claim 38, Wolff discloses comparing archive copies with active versions of computer files to see if malicious alterations have occurred, this interpreted as wherein the supporting computing environment detects at least one of a freeze and an undesirable change within the user computing environment (See paragraph 0011).

22. Referring to claim 39, Wolff teaches replacing the active copies with archive copies, this is interpreted as wherein when a freeze or other undesirable change is detected in the user environment, the supporting environment attempts to recover or restore or repair the user environment (See paragraph 0012).

23. Referring to claim 40, Wolff teaches replacing the active copies with archive copies, this is interpreted as wherein the supporting computing environment is operative to re-enable the user environment, the en-enabling selected from the set consisting of resetting a locked user environment keyboard, resetting connections, resetting and clearing devices, replacing defective software components, switch hardware components or devices, and combinations of these (See paragraph 0012).

24. Referring to claim 41, Wolff discloses taking archive copies for replacing active copies and for comparing the archive copies with the active copies, this is interpreted as wherein the supporting computing environment obtains at least one snap-shot and subsequently copies all or part of the data from one or more of the at least on snap-shots to recover or restore or repair the user environment (See paragraph 0009 and 0012).

25. Referring to claim 49, Wolff teaches a operating system and a anti-virus system on a computer, this is interpreted as wherein both the user computing environment and the supporting computing environment reside on a single computer system (See Fig. 1 and paragraph 0024). Wolff also teaches creating archive copies of active files, this is interpreted as a snap-shot associated with the supporting computing environment of the operational user environment is obtained (See paragraph 0016). Wolff discloses comparing the active files with the archive copies to counteract malicious alterations, this is interpreted as processes associated with the supporting environment monitor the

activities and status of the user computing environment and a monitoring function is executed that detects any degraded performance of the user computing environment and notifies the supporting environment of any degraded performance detected (See paragraphs 0009 and 0011). Finally Wolff teaches replacing active copies with archive copies, this is interpreted as the supporting environment performing any recovery or repair action as necessary to recover or restore the user environment, the recovery optionally including utilizing the snap-shot to recover or restore the user environment (See paragraph 0012).

### *Allowable Subject Matter*

26. Claims 29, 31-33, 35, and 42-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

27. Claim 50 is allowed.

### *Response to Arguments*

28. Applicant's arguments, see page 10 of amendment, filed 11 April 2005, with respect to the IDS have been fully considered and are persuasive. The objection of the IDS has been withdrawn.

29. Applicant's arguments, see page 10 of amendment, filed 11 April 2005, with respect to the Oath or Declaration have been fully considered and are persuasive. The objection of Oath or Declaration has been withdrawn.

30. Applicant's arguments, see page 10-13 of amendment, filed 11 April 2005, with respect to the rejection(s)of claim(s) 7-14 and 16-18 under 35 U.S.C 102(e) and 15, 19, and 20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art, see above rejection.

***Conclusion***

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Manoskey whose telephone number is (571) 272-3648. The examiner can normally be reached on Mon.-Fri. (7:30am to 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDM
June 19, 2005

ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100